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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,623	01/24/2002	Daniel Guenther	6502.0351-00	5288
60667	7590	07/03/2006		EXAMINER
SUN MICROSYSTEMS/FINNEGAN, HENDERSON LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			TARAE, CATHERINE MICHELLE	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/053,623	GUENTHER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	C. Michelle Tarae	3623	

**— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —**

#### **Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 24 January 2002.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/8/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

1. The following is a Non-Final Office Action in response to the communication received on January 24, 2002. Claims 1-19 are now pending in this application.

### ***Information Disclosure Statement***

2. The examiner has reviewed the publications supplied in the Information Disclosure Statement (IDS) provided on March 8, 2002.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites validating the created role analysis profiles. As validate means to confirm or certify, it is unclear how the validating of created role analysis profiles is performed. For purposes of examination, validating will be interpreted as establishing defined role profiles.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho et al. (U.S. 6,213,780).

As per claim 1, Ho et al. discloses a method for role analysis in an organization, comprising:

determining categories of roles of the organization (col. 5, lines 2-11; An organizational chart is used to represent different categories of roles in an organization, where each category is represented by each level in the hierarchy of the organizational chart. For example, the highest level of the organizational chart is the management category representing roles such as chief technology officer. Another level in the hierarchy represents the category of senior technical staff, where another level represents the category of junior technical staff.);

reviewing documents related to the roles of the organization (col. 7, lines 59-67; col. 8, lines 13-16 and 44-57; A database of documents related to the roles of the organization is maintained. Documents may be extracted from the database for review.);

creating one or more role analysis profiles based on the reviewed documents and interview information (col. 2, lines 49-56; col. 4, lines 26-34 and 44-60; Figures 1-4 and 7; The computer performs role analysis by analyzing the organization chart, which includes the profiles of the positions within the organization and their job functions and

related documents. The computer can automatically provide learning materials to a user by analyzing their current role profile and the role profile they desire to be in.);

validating the created role analysis profiles (col. 5, lines 17-23; col. 6, lines 43-49 and 58-67; Role profiles are validated by being labeled as standards in the industry. Role analysis profiles are further validated by establishing requirements and criteria for each profile that a user must have to perform the job functions associated with the role.); and

creating final role analysis profiles based on the validation (col. 2, lines 44-56; col. 4, lines 58-60; Final role analysis profiles are stored in the database and are used by the computer to automatically indicate to a user what learning materials they need to perform a certain role.).

Ho et al. does not expressly disclose interviewing subject matter experts of the organization to obtain information related to the roles in the organization. However, Ho et al. does disclose identifying skills, knowledge and training needed to perform a particular job associated with a role (col. 2, lines 40-43 and 49-52; col. 5, lines 56-67; Figure 4), which would require knowledge from a subject matter expert in order to make the determination of what skills, knowledge and training are needed to perform a particular job associated with a role. Additionally, it is old and well known for the human resources department to either have subject matter experts for roles in the organization or to at least maintain such information from subject matter experts to be able to place people in appropriate roles in an organization (col. 2, lines 31-35). Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art

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for the system of Ho et al. to interview subject matter experts of the organization to obtain information related to the roles in the organization in order to gain accurate and comprehensive knowledge about the experience, knowledge and training required for individuals to perform jobs associated with certain roles, which aligns with a main goal of Ho et al., which is to provide individuals with the information (via training) necessary to fill a particular role (col. 2, lines 14-16).

As per claim 2, Ho et al. does not expressly disclose the method of claim 1, wherein the determining step further comprises: consulting with one or more managers of the organization to determine categories of roles. However, Ho et al. does disclose identifying skills, knowledge and training needed to perform a particular job associated with a role (col. 2, lines 40-43 and 49-52; col. 5, lines 56-67; Figure 4), that managers and the positions of their employees are identified on an organization chart (col. 5, lines 5-16), and further, that some companies retain such information in their human resources department (col. 2, lines 35-36), which would require consulting with managers, including from the human resources department for example, in order to make the determination of what skills, knowledge and training are needed to perform a particular job associated with a role. Additionally, it is old and well known for the human resources department as well as department managers to aid in the determination of categories of roles for an organization. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Ho et al. to consult with managers of an organization to determine categories of roles as managers are usually most familiar with the skills, knowledge and training needed to perform

particular jobs associated with a role, and are thus, most familiar with what categories of roles the organization is in need of or has a surplus of.

As per claim 3, Ho et al. discloses the method of claim 1, wherein the determining step further comprises: determining an audience segment in the organization based on the categories to gather data related to roles of the organization (col. 6, lines 51-57; The computer identifies an audience segment based on the needs of an organization relating to particular roles within the organizational chart. For example, the computer can identify sales personnel that need to understand the Russian culture in order to sell products in Russia.).

As per claim 4, Ho et al. discloses the method of claim 3, wherein determining an audience segment further comprises: identifying subject matter experts in the organization based on the audience segment (col. 6, lines 50-57; The computer identifies sales personnel who do not have the skills, knowledge or training to understand the Russian culture to sell products in Russia. Thus, it follows that since the learning determinator decides which user to present materials on Russian culture to, the learning determinator distinguishes between users who have skills, knowledge or training (i.e., subject matter expertise) and those that do not.).

As per claim 5, Ho et al. discloses the method of claim 1, wherein reviewing documents further comprises: reviewing documents that comprise processes, position descriptions, learning content, or product manuals (col. 7, lines 55-67).

As per claim 6, Ho et al. discloses the method of claim 1, including receiving information on core tasks, formal training, technical knowledge, process knowledge, and

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problem solving skills (col. 5, lines 49-62; Information on core job functions (i.e., tasks), training, and knowledge required for each position/role is stored in the database. An example of the tasks and knowledge associated with a circuit designer is provided.). Ho et al. does not expressly disclose interviewing, the analysis of which is provided above in claim 1.

As per claim 7, Ho et al. does not expressly disclose the method of claim 6, wherein the receiving step further comprises: recording the received information on core task templates. While Ho et al. does not expressly disclose the use of templates to record task information, Ho et al. does disclose categorizing task information (i.e., job information) in the database based on the organization chart where each job is placed in a hierarchical category (col. 5, lines 2-16 and 56-62; col. 8, lines 51-54), thus providing an organized and structured way of maintaining the job information. It is old and well known that templates are used to streamline data and make creation and access of data easier. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Ho et al. to include task templates as templates would enhance the organization of the jobs in the database and improve the ease of maintenance and retrieval of the hierarchy of jobs, since templates are known to streamline the creation and access of data (as proven by Ho et al. in its use of templates for maintaining its learning documents; col. 8, lines 28-40).

As per claim 8, Ho et al. discloses the method of claim 1, wherein creating one or more role analysis profiles further comprises: determining one or more core tasks of the

one or more role analysis profiles (col. 5, lines 56-62; Each role profile has associated jobs to be performed (i.e. core tasks).).

As per claim 9, Ho et al. does not expressly disclose the method of claim 8, wherein determining one or more core tasks further comprises: compiling interview information from core task templates, the analysis of which is provided above in claim 1.

As per claims 10 and 11, Ho et al. discloses grouping core tasks by common core tasks or common audience segment to create the one or more role analysis profiles (col. 5, lines 2-16 and 56-62; Figures 3 and 4; Jobs (i.e. core tasks) are grouped according to positions based on the organization chart. Thus, each hierarchy in the organization chart represents grouping of tasks and grouping of positions (i.e., audience segment) within an organization. For example, junior technical staff are on the same level in the hierarchy and have the same position and same job functions.). Ho et al. does not expressly disclose the method of claim 9, wherein compiling information further includes: grouping core task *templates*. While Ho et al. does not expressly disclose the use of templates to record task information, Ho et al. does disclose categorizing task information (i.e., job information) in the database based on the organization chart where each job is placed in a hierarchical category (col. 5, lines 2-16 and 56-62; col. 8, lines 51-54), thus providing an organized and structured way of maintaining the job information. It is old and well known that templates are used to streamline data and make creation and access of data easier. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Ho et al. to include task templates as templates would enhance the

organization of the jobs in the database and improve the ease of maintenance and retrieval of the hierarchy of jobs, since templates are known to streamline the creation and access of data (as proven by Ho et al. in its use of templates for maintaining its learning documents; col. 8, lines 28-40).

Additionally, Ho et al. does not expressly disclose interviewing, the analysis of which is provided above in claim 1.

As per claim 12, Ho et al. discloses the method of claim 1, wherein creating one or more role analysis profiles further comprises: determining formal training, technical knowledge, process knowledge, or problem solving skills (col. 5, lines 49-62; Information on core job functions (i.e., tasks), training, and knowledge required for each position/role is stored in the database. An example of the tasks and knowledge associated with a circuit designer is provided.).

As per claims 13-16, Ho et al. does not expressly disclose the method of claim 1, wherein validating the one or more role analysis profiles comprises: reviewing the one or more created role analysis profiles with subject matter experts and managers and modifying the one or more reviewed role analysis profiles based on the received feedback. However, the analysis for interviewing subject matter experts and consulting with managers of the organization to determine role analysis profiles is provided above in claims 1 and 2. At the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Ho et al. to validate the role analysis profiles by reviewing the profiles with subject matter experts and managers of the organization as subject matter experts and managers of the organization are usually most

knowledgeable about and familiar with the skills, knowledge and training needed to perform particular jobs associated with a role. Having people with the most knowledge about the skills, knowledge and training needed to perform particular jobs associated with a role, validate role profiles, enhances the effectiveness and accuracy of the content of the organizational chart maintained by the organization. The effectiveness and accuracy of the content of the organizational chart is important to the system of Ho et al. as Ho et al. uses the organizational chart to track all of the role profiles of the organization (col. 5, lines 2-16) and determine whether or not individuals are suited for those role profiles (col. 2, lines 49-56).

As per claim 17, Ho et al. discloses the method of claim 1, further comprising: determining desired training for one or more members of the organization based on the one or more final role analysis profiles (col. 3, lines 15-19; col. 6, lines 43-57).

As per claim 18, Ho et al. discloses the method of claim 1, further comprising: determining skill gaps in the organization based on the one or more final role analysis profiles (col. 6, lines 50-57; col. 14, lines 49-58; The computer identifies the skills (i.e., knowledge, training, experience, etc.) that a user is lacking by comparing the user's profile to an identified job profile (i.e., final role analysis profile); For example, the computer identifies sales personnel who do not have the skills, knowledge or training to understand the Russian culture to sell products in Russia; thus, the computer identifies skill gaps for users.).

Claim 19 recites substantially similar subject matter as claims 1-18 above.

Therefore, claim 19 is rejected on the same basis as claims 1-18 above.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae (formerly, C. Michelle Colon) whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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